

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

JUDGMENT IN A CIVIL CASE

**JOSEPH HENRY and
MICHAEL MALINKY**

vs.

CASE NUMBER: 1:01-cv-1681

**CHAMPLAIN ENTERPRISES, INC.,
d/b/a CommutAir, et al.**

Decision by Court. This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED that plaintiffs Joseph Henry and Michael Malinky, on behalf of the CommutAir Employee Stock Ownership Plan, are not entitled to damages from defendant U.S. Trust; and the complaint is DISMISSED in its entirety

All of the above pursuant to the Memorandum-Decision and Order of the Honorable Judge Hon. David N. Hurd, dated the 21st day of May, 2010.

DATED: May 21, 2010



Lawrence A. Baum
Clerk of Court

s/

Christine Mergenthaler
Deputy Clerk